



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GAMACHE Examiner: COCKS
Serial No.: 09/759,983 Group Art Unit: 3743
Filed: JANUARY 12, 2001 Docket No.: 12929.1009-US-U1
Title: FIREPLACE WITH WARMING SHELF

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on October 4, 2002.


Linda M. Beckman

RESPONSE

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicants provide the following remarks in response to the Office Action dated May 21, 2002.

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REMARKS

Claims 1-6 are currently pending in the present application.

Rejections Under 35 U.S.C. §103

The Examiner rejected claims 1-6 under 35 U.S.C. §103(a) as being unpatentable over *Burnett* (U.S. Patent No. 1,546,884) in view of *Wilkening* (U.S. Patent No. 4,515,146). Applicants respectfully traverse these rejections.

Claim 1 of the present invention requires that the firebox and front wall define a combustion chamber. In *Burnett*, the invention is directed to a safe that is insertable within a mantel (1) above an opening for a fireplace firebox. Contrary to the Examiner's assertion, the mantel (1) does not define the combustion chamber. The closure (3) of *Burnett* is not shown to cover the opening of the firebox and thus does not define the combustion chamber. *Burnett* does not disclose a front wall. There is no teaching or suggestion in *Burnett* to modify the fireplace, which is